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REMARKS

Submittal of this Amendment is in response to the Office Communication dated December 16, 2003. Upon submission of this Amendment, claims 12-23 are pending. Reconsideration is respectfully requested.

Claims 12-15 and 20-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Adams et al. (4,713,568) in view of Mahuliker et al. (5,043,534).

It is respectfully submitted that it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the gear motor of Adam et al. with the seal of Mahuliker et al. Combining Adam and Mahuliker does not produce a motor vehicle wiper gear motor having a core motor attached to a reduction gear base, the core and base having metal mating flanges with outer peripheries protruding away from the core and the base, respectively, and a joint interposed between the core and the base, the joint being diamond-shaped with lugs, the joint having a circular opening at its center, the joint including a sealing material means for reducing the gear motor noise and at least one metal element as a stop means for precise positioning of the core and the base, included in the sealing material in electrically-conductive contact with metal parts of the core and the base, the at least one metal element operable to conduct electrical current between the core and the base to maintain a uniform electric potential in the core and the base, as set forth in claim 12 and the claims depending therefrom, of the present invention. The Examiner asserts that combining Adam and Mahuliker would produce an invention "to provide a seal between the core and base that serves as a means to align the core and base while providing an electrical contact between the core and base so as to maintain the same electric potential across the core and base." The combination of Adam and Mahuliker does not include a diamond-shaped joint having a sealing material means for gear motor noise reduction and a metal element as a stop means for precise positioning of the core and the base, as set forth in claim 12, claims 13-15 and claims 20-21 depending therefrom.

Additionally, the Examiner acknowledged that "Although Adam does not disclose the gear motor being used for a wiper application, it would have been

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obvious to one skilled in the art at the time the invention was made to use the gear motor for a wiper application as the motor can be used for various functions within an automobile." One cannot use hindsight reconstruction to pick and choose among isolated disclosures. As such, Applicant respectfully requests the Examiner to cite a prior art reference that teaches a gear motor in a wiper application. Absent such a reference, it is submitted that the Examiner has not established a prima facie case of obviousness to support a rejection of claims 12-15 and claims 20-21.

Furthermore, the Examiner acknowledged that "Adam does not disclose the joint being diamond shaped," yet, the Examiner asserts "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a diamond-shaped joint, so as to fit the profile of the motor opening. Moreover, it would have merely required routine skill in the art to change the shape of the joint." Applicant respectfully requests the Examiner to support this assertion by citing a prior art reference that teaches a diamond-shaped joint. Absent such a reference, it is submitted that the Examiner has not established a prima facie case of obviousness to support a rejection of claims 12-15 and claims 20-21.

Regarding claims 13-15 and 21, the Examiner asserts "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam with the seal of Mahulikar so as to provide a seal with several fixation orifices for a secure connection between the seal and motor." For reasons previously stated, it would not be obvious to one of ordinary skill in the art at the time of invention to combine the gear motor of Adam with the seal of Mahulikar. Combining Adam and Mahulikar does not produce an invention as set forth in claim 12 and claims 13-15 and 21 depending therefrom. The combination of Adam and Mahuliker does not include a diamond-shaped joint having a sealing material means for gear motor noise reduction and a metal element as a stop means for precise positioning of the core and the base, as set forth in claim 12, claims 13-15 and claims 20-21 depending therefrom.

Regarding claim 20, the Examiner asserts "Adam discloses the core and base having a cylindrical sector, the joint having an opening, able to receive the

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cylindrical sector, and a stop projecting into the opening." It is respectfully submitted that Adam does not disclose a joint having a diamond-shaped joint having a sealing material means for gear motor noise reduction and a metal element as a stop means for precise positioning of the core and the base as set forth in claim 12 from which claim 20 depends.

Claims 16-18 and 22-23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Adams in view of Mahulikar as applied to claims 12-15 and 20-21 above, and further in view of Duhn (3,182,120). For the foregoing reasons listed above, combining Adams, Mahulikar and Duhn does not yield an invention as set forth in claim 12 and claims 13-15 and 20-21 depending therefrom.

Furthermore, combining Adams, Mahulikar and Duhn does not yield a motor vehicle wiper gear motor comprising a core motor attached to a reduction gear base, the core and base having metal mating flanges with outer peripheries protruding away from the core and the base, having a diamond-shaped joint interposed between the core and the base, the diamond-shaped joint including a sealing material means for reducing the gear motor noise and at least one metal element as a stop means for precise positioning of the core and the base, in contact with metal parts of the core and the base, possessing definitive fixation means for the diamond-shaped joint to the core motor and temporary fixation means for the diamond-shaped joint to one of the core and the base, the temporary fixation means includes a wall extending substantially orthogonally from an edge of the diamond-shaped joint and externally surrounds the outer periphery of the mating flange of the core when the diamond-shaped joint and the core are assembled together, as set forth in claim 16.

Particularly, the combination of Adams, Mahulikar and Duhn does not encompass a diamond shaped joint having a sealing material means for gear motor noise reduction and a metal element as a stop means for precise positioning of the core and the base.

Furthermore, combining Adams, Mahulikar and Duhn does not produce a manufacturing process of a gear motor comprising the steps of connecting a diamond-shaped joint including a sealing material reducing the gear motor noise, to one of a core and a base by temporary fixation means, positioning the diamond-

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shaped joint between the core and the base and, fixing the diamond-shaped joint, the core, and the base by definitive fixation means, such that electrical current conducts between the core and the base through at least one metal element associated with the diamond-shaped joint, as set forth in claim 22. Particularly, the combination of Adams, Mahulikar and Duhn does not encompass a diamond shaped joint having a sealing material means for gear motor noise reduction.

Regarding claims 22 and 23, the Examiner asserts "these product claims are permissible techniques and not a process capable of defining the invention." Applicant respectfully disagrees. Structural differences are included in claims 22 and 23 that validate the use of claims 22 and 23 to define the present invention as a process.

Entry of this amendment under the provisions of Rule 37 C.F.R. §1.116 is submitted to be warranted and is respectfully requested. By this amendment, claims 12, 16, 22 and 23 have been amended to define the sealing material and the metal element in means plus function form to more specifically define the features of Applicants' invention in a manner which clearly sets forth such features in a patentably distinguishable manner from the cited references. Thus, no new matter is presented such that undo consideration or further search by the Examiner is not necessary. It is further submitted that the amendments to the claims place all of the claims in condition for allowance. Accordingly, it is respectfully submitted that this amendment meets all of the requirements of Rule 37 C.F.R. § 1.116 for entry of an amendment after a "final" Office Action; which action is respectfully requested.

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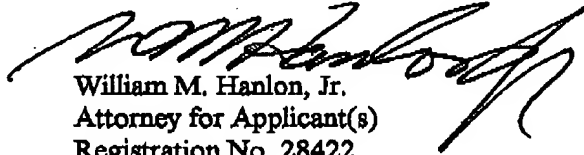
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In the event that the Examiner after considering this amendment, believes that further amendments to the claims are necessary to place the claims in allowable condition, he is invited to contact Applicants' attorney at the below listed telephone number.

Respectfully submitted,

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